



O I P E  
AUG 04 2004  
JCS  
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Page 1 of 2  
JPC

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/807,308         | 03/24/2004             | Wepming Xiao          | 114122-00153           |

27557  
BLANK ROME LLP  
600 NEW HAMPSHIRE AVENUE, N.W.  
WASHINGTON, DC 20037

CONFIRMATION NO. 4431

FORMALITIES LETTER



\*OC000000012523751\*

Date Mailed: 05/04/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/05/2004 AOSMANI 00000028 232185 10807308

FILED UNDER 37 CFR 1.53(b)

02 FC:1051 130.00 DA

*Filing Date Granted*

DOCUMENTED

114122.0163

MAY, 6 2004

Declaration *my*  
formal Drawing *5/4/04*

Action Due *Sequence listing* 7/14/04

Due Date

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 3,7,8.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

08/05/2004 AOSMANI 00000028 232185 10807308

01 FC:1051 110.00 DA

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$130 for a Large Entity

- **\$130 Late oath or declaration Surcharge.**

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*V.G.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: XIAO et al.  
 Serial No: 10/807,308  
 Filed: March 24, 2004  
 For: LUNG CANCER DETECTION

GAU: 1645  
 Confirmation No. 4431  
 Examiner: To be assigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
 OF NONPROVISIONAL APPLICATION**

Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application dated May 4, 2004 (copy attached), the following are enclosed:

- Transmittal Form;
- Fee Transmittal Form (indicating to charge deposit acct. 23-2185 total amount of \$280.00);
- Small Entity Status is claimed;
- \$130.00 surcharge in response to the Notice to File Missing Parts; (charge deposit acct. 23-2185)
- \$110.00 for a one month extension of time; (charge deposit acct. 23-2185)
- Executed Declaration/Power of Attorney;
- \$ surcharge for originally filing a non-English language application;
- Verified English language translation of the originally filed non-English application; and

Applicants(s) are also submitting the following:

- Request for Corrected Filing Receipt;
- An Information Disclosure Statement;
  - Form PTO-1449 and reference(s);
- Priority Application No. filed ;
- Executed Assignment with Form PTO-1595; and
- \$40.00 recordation of Assignment fee (charge deposit acct. 23-2185).

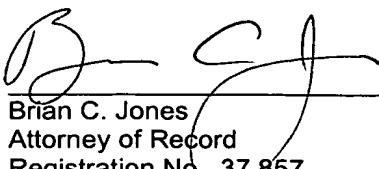
Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 23-2185. A duplicate copy of this sheet is enclosed.

If these papers are not considered timely filed by the Patent & Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time may be charged to Deposit Account No. 23-2185. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Blank Rome LLP  
 600 New Hampshire Avenue, N.W.  
 Washington, DC 20037  
 Tel: (202) 772-5800  
 Fax (202) 572-8398  
 Customer No.: 27557

Date: August 4, 2004

  
 Brian C. Jones  
 Attorney of Record  
 Registration No. 37,857

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 1010112003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 280.00)

## Complete If Known

|                      |                     |
|----------------------|---------------------|
| Application Number   | 10/807,308          |
| Filing Date          | March 24, 2004      |
| First Named Inventor | Wenming XIAO et al. |
| Examiner Name        | To be assigned      |
| Art Unit             | 1645                |

Attorney Docket No. 114122-00163

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money  other  None  
 Deposit Account:

|                        |                |
|------------------------|----------------|
| Deposit Account Number | 23-2185        |
| Deposit Account Name   | Blank Rome LLP |

The Director is authorized to: (check all that apply)

- 
- Charge fee(s) indicated below
- 
- Credit any overpayments
- 
- 
- Charge any additional fee(s) or any underpayment of fee(s)
- 
- 
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

## Large Entity Small Entity

| Fee Code     | Fee (\$) | Fee Code | Fee (\$) | Fee Description        | Fee Paid |
|--------------|----------|----------|----------|------------------------|----------|
| 1001         | 770      | 2001     | 385      | Utility filing fee     |          |
| 1002         | 340      | 2002     | 170      | Design filing fee      |          |
| 1003         | 530      | 2003     | 265      | Plant filing fee       |          |
| 1004         | 770      | 2004     | 385      | Reissue filing fee     |          |
| 1005         | 160      | 2005     | 80       | Provisional filing fee |          |
| SUBTOTAL (1) |          | (\$)     |          | .00                    |          |

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | -            | 20       | ** =     | -20  | X            |  | =    | 0 | Fee from below | Extra Claims | Fee Paid |
|--------------------|--------------|----------|----------|--|--------------|--|------|---|----------------|--------------|----------|
| Independent Claims | -            | 3        | ** =     | -3   | X            |  | =    | 0 |                |              |          |
| Multiple Dependent |              |          |          |  |              |  |      |   |                |              |          |
| Large Entity       | Small Entity |          |          |  |              |  |      |   |                |              |          |
| Fee Code           | Fee (\$)     | Fee Code | Fee (\$) | Fee Description  |              |  |      |   |                |              |          |
| 1202               | 18           | 2202     | 9        | Claims in excess of 20                                 |              |  |      |   |                |              |          |
| 1201               | 86           | 2201     | 43       | Independent claims in excess of 3                      |              |  |      |   |                |              |          |
| 1203               | 290          | 2203     | 145      | Multiple dependent claim, if not paid                  |              |  |      |   |                |              |          |
| 1204               | 86           | 2204     | 43       | ** Reissue independent claims over original patent     |              |  |      |   |                |              |          |
| 1205               | 18           | 2205     | 9        | ** Reissue claims in excess of 20 over original patent |              |  |      |   |                |              |          |
| SUBTOTAL (2)       |              | (\$)     |          | .00  | SUBTOTAL (3) |  | (\$) |   | 280.00         |              |          |

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

## Large Entity

## Small Entity

| Fee Code            | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|---------------------|----------|----------|----------|--|----------|
| 1051                | 130      | 2051     | 65       | Surcharge - late filing fee or oath  | \$130.00 |
| 1052                | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053                | 130      | 1053     | 130      | Non-English specification  |          |
| 1812                | 2,520    | 1812     | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804                | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805                | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251                | 110      | 2251     | 55       | Extension for reply within first month                                     | \$110.00 |
| 1252                | 420      | 2252     | 210      | Extension for reply within second month                                    |          |
| 1253                | 950      | 2253     | 475      | Extension for reply within third month                                     |          |
| 1254                | 1,480    | 2254     | 740      | Extension for reply within fourth month                                    |          |
| 1255                | 2,010    | 2255     | 1,005    | Extension for reply within fifth month                                     |          |
| 1401                | 330      | 2401     | 165      | Notice of Appeal   |          |
| 1402                | 330      | 2402     | 165      | Filing a brief in support of an appeal                                     |          |
| 1403                | 290      | 2403     | 145      | Request for oral hearing   |          |
| 1451                | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452                | 110      | 2452     | 55       | Petition to revive - unavoidable   |          |
| 1453                | 1,330    | 2453     | 665      | Petition to revive - unintentional   |          |
| 1501                | 1,330    | 2501     | 665      | Utility issue fee (or reissue)   |          |
| 1502                | 480      | 2502     | 240      | Design issue fee   |          |
| 1503                | 640      | 2503     | 320      | Plant issue fee  |          |
| 1460                | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807                | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806                | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021                | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) | \$40.00  |
| 1809                | 770      | 2809     | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810                | 770      | 2810     | 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801                | 77       | 2810     | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802                | 90       | 1802     | 900      | Request for expedited examination of a design application                  |          |
| Other fee (Specify) |          |          |          |  |          |

## SUBMITTED BY

## (Complete if applicable)

|                         |  |                                   |        |           |                     |
|-------------------------|--|-----------------------------------|--------|-----------|---------------------|
| Name (Print/Type)       | Brian C. Jones   | Registration No. (Attorney/Agent) | 37,857 | Telephone | 202-772-5800        |
| Signature               |                                     |                                   |        |           | Date August 4, 2004 |
| Correspondence Address: | Blank Rome LLP<br>600 New Hampshire Avenue, N.W.<br>Washington, D.C. 20037<br>Fax: 202-572-8398<br>Customer No.: 27557 |                                   |        |           |                     |